

**FORTY-SIXTH DAY**  
(Continued)  
(Thursday, April 20, 1989)

**AFTER RECESS**

The Senate met at 8:00 a.m. and was called to order by Senator Sims.

**MESSAGE FROM THE HOUSE**

House Chamber  
April 20, 1989

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 1347**, Relating to a support program for persons who are mentally disabled.

**H.B. 1159**, Relating to requiring pharmacists to show proof of continuing education requirements for renewal of a license to practice as a pharmacist.

**H.B. 843**, Relating to the location and maintenance outside the state of books, records, and accounts of certain domestic insurance companies.

**H.B. 1323**, Relating to the special alternative incarceration program for probationers operated by the Texas Department of Corrections.

**H.B. 1224**, Relating to the liability of a landowner for certain recreational activities on the land.

**H.B. 1312**, Relating to county work programs operated by the sheriff.

**H.B. 860**, Relating to competitive bidding to allow for an exception for an expenditure for equipment sold at an auction, at a going out of business sale, or by another political subdivision.

**H.B. 318**, Relating to income eligibility for nursing home care.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Sims in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

Pursuant to Senate Rule 9.03(d), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time and passed: (Vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill.)

**C.S.S.B. 62** (Sims) Relating to the creation, administration, powers, duties, operation, and financing of the Pecos County Underground Water Conservation District No. 4. (30-1) Washington "Nay" (31-0)

**S.B. 174** (Washington) Relating to the qualifications of school bus drivers for hearing impaired students. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 520** (Green) Relating to the continuation and functions of the Compact for Education Commissioners for Texas. (30-1) Washington "Nay" (31-0)

**S.B. 540** (Leedom) Relating to investment of assets administered by the board of trustees of the Employees Retirement System of Texas. (30-1) Washington "Nay" (31-0)

**S.B. 641** (McFarland) Relating to governmental liability for an employee acting in an emergency. (30-1) Washington "Nay" (31-0)

**S.B. 652** (Washington) Relating to administrative adjudication of parking offenses in certain municipalities. (30-1) Washington "Nay" (31-0)

**S.B. 794** (Montford) Relating to the transfer of certain used or secondhand vehicles. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 835** (Parker) Relating to fees and deposits of institutions of higher education. (30-1) Washington "Nay" (31-0)

**S.B. 842** (Sims) Relating to an application for registration of a mark used in connection with goods or services. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 859** (Truan) Relating to the policy of this State and the role of the Texas Department of Health concerning the regulation of sources of radiation and the management of solid waste. (30-1) Washington "Nay" (31-0)

**S.B. 860** (Truan) Relating to certain reports made to the governor and legislature concerning radiation and the federal transport of high-level radioactive waste. (30-1) Washington "Nay" (31-0)

**S.B. 878** (Caperton) Relating to the authorization for a student recreational sports fee at institutions within the Texas A&M University System. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 1015** (Green) Relating to the regulation of the practice of chiropractic. (30-1) Washington "Nay" (31-0)

**S.B. 1021** (Harris) Relating to the transaction of business by, and the location of support personnel for, the Court of Appeals for the Fifth Court of Appeals District. (30-1) Washington "Nay" (31-0)

**S.B. 1031** (Caperton) Relating to the authorization for a student recreational sports fee for institutions within the Texas State University System. (30-1) Washington "Nay" (31-0)

**S.B. 1045** (Sims) Relating to the codification, transfer, and renumbering of Title 110B, Revised Statutes, containing statutes relating to public retirement systems. (30-1) Washington "Nay" (31-0)

**S.B. 1046** (McFarland) Relating to nonsubstantive additions to and corrections in enacted codes. (30-1) Washington "Nay" (31-0)

**S.B. 1075** (Henderson) Relating to the revision of a subdivision plat in certain incorporated areas of a county. (30-1) Washington "Nay" (31-0)

**S.B. 1076** (Henderson) Relating to the assignment of statutory probate court judges. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 1091** (Carriker) Relating to the authority of the commissioners court of a county to establish standards for rural addressing and to assign street names and numbers. (30-1) Washington "Nay" (31-0)

**S.B. 1098** (Caperton) Relating to the term of service of the director of the Legislative Reference Library. (30-1) Washington "Nay" (31-0)

- S.B. 1102** (Tejeda) Relating to regulation by the Railroad Commission of Texas of the packing and transportation of hazardous materials. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1103** (Tejeda) Relating to the authority of the Railroad Commission of Texas to inspect certain railroad property. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1105** (Leedom) Relating to audits of the Employees Retirement System of Texas and the Teacher Retirement System of Texas. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1116** (Montford) Relating to certain regulatory functions and procedures of the Texas Department of Health. (30-1) Washington "Nay" (31-0)
- S.B. 1148** (Bivins) Relating to the licensing of certain agents for insurance companies whose business is limited to insuring risks on growing crops. (30-1) Washington "Nay" (31-0)
- S.B. 1172** (McFarland) Relating to operation of the State Community Development Review Committee under the Department of Commerce. (30-1) Washington "Nay" (31-0)
- S.B. 1173** (McFarland) Relating to the clerk for the County Court at Law No. 3 of Tarrant County. (30-1) Washington "Nay" (31-0)
- S.B. 1180** (Washington) Relating to requesting a deferral of certain proceedings to complete a driving safety course. (30-1) Washington "Nay" (31-0)
- S.B. 1197** (Dickson) Relating to procedures regarding certain State agency orders and decisions. (30-1) Washington "Nay" (31-0)
- S.B. 1222** (Santiesteban) Relating to a discharge or spill of a hazardous substance into water in this State. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1223** (Santiesteban) Relating to the annual reporting to the Texas Water Commission of toxic chemical releases. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1318** (Dickson) Relating to service on the board of directors of a nonprofit corporation by a local public official. (30-1) Washington "Nay" (31-0)
- S.B. 1339** (Leedom) Relating to the Texas Youth Camp Safety and Health Act. (30-1) Washington "Nay" (31-0)
- S.B. 1340** (Leedom) Relating to the creation of a public funds investment pool and to the investment of local funds of certain political subdivisions of the State. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1345** (Johnson) Relating to the preparation and distribution of information relating to breast cancer. (30-1) Washington "Nay" (31-0)
- S.B. 1453** (Brown) Relating to the operation of all-terrain vehicles owned or operated by this State, a county or a municipality. (30-1) Washington "Nay" (31-0)
- S.B. 1504** (Brooks) Relating to family violence shelters. (30-1) Washington "Nay" (31-0)
- S.B. 1524** (Ratliff) Relating to the repeal of Article 4474, Revised Statutes, pertaining to the sale of milk. (30-1) Washington "Nay" (31-0)
- S.B. 1528** (Glasgow) Relating to the authority of a home-rule municipality to annex certain area in which a farm-to-market road is proposed. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 1531** (Johnson) Relating to the administration and names of certain institutions and entities in The University of Texas System. (30-1) Washington "Nay" (31-0)

**S.B. 1537** (Harris) Relating to the juvenile board and court services department of Dallas County and to the salaries of the district judges having jurisdiction in Dallas County. (30-1) Washington "Nay" (31-0)

**S.B. 1599** (Glasgow) Relating to the terms of court of the 16th District Court. (30-1) Washington "Nay" (31-0)

**S.B. 1644** (Harris) Relating to life insurance policies and applications. (30-1) Washington "Nay" (31-0)

Senator Harris offered the following committee amendment to the bill:

Amend **S.B. 1644** by striking SECTION 2 in its entirety and by substituting the following:

SECTION 2. This Act takes effect September 1, 1989, and applies to all claims filed with an insurer for payment on or after September 1, 1989. Claims filed prior to September 1, 1989, are governed by the law in effect on the date said claim was filed.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 406** (Leedom) Relating to the collection of money or property owed to a county. (30-1) Washington "Nay" (31-0)

**H.B. 539** (Glasgow) Relating to payment of member contributions to the Judicial Retirement System of Texas Plan Two. (30-1) Washington "Nay" (31-0)

#### **BILLS REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR**

<u>Number</u>	<u>Senators Removing</u>
<b>C.S.S.B. 337</b>	At request of author, Senator Brooks
<b>C.S.S.B. 937</b>	Haley, Sims

#### **REPORTS OF STANDING COMMITTEES**

By unanimous consent, Senator McFarland submitted the following report for the Committee on Criminal Justice:

**C.S.S.B. 1191**

By unanimous consent, Senator Montford submitted the following report for the Committee on State Affairs:

**S.B. 1594**  
**S.B. 1684**  
**H.B. 361**  
**H.B. 594**  
**C.S.S.B. 443**

**C.S.S.B. 632****C.S.H.B. 85****C.S.S.B. 1685****SENATE BILLS ON FIRST READING**

On motion of Senator Lyon and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

**S.B. 1734** by Lyon Natural Resources  
Relating to the regulation of hunting leases, private bird hunting areas, and field trial areas.

**S.B. 1735** by Zaffirini Natural Resources  
Relating to the creation, administration, powers, duties, operation, financing, and annexation authority of the Canyon Regional Water Authority; authorizing the issuance of bonds; providing the power of eminent domain.

**S.B. 1736** by Washington, Barrientos Criminal Justice  
Relating to criminal trespass in a health care facility; providing penalties.

**S.B. 1737** by Washington Health and Human Services  
Relating to the provision of educational materials on AIDS and HIV to persons applying for a marriage license or declaring an informal marriage and to the authority of the Texas Department of Health to require AIDS or HIV testing as a condition to issuance of a marriage license.

**S.B. 1738** by Washington Intergovernmental Relations  
Relating to the authority of certain counties to establish a county facilities corporation to finance projects, by the issuance of bonds or other methods, for the benefit of the counties.

**S.B. 1739** by Washington Health and Human Services  
Relating to the licensing and regulation of special care facilities; providing penalties.

**HOUSE BILLS ON FIRST READING**

The following bills received from the House were read the first time and referred to the Committee indicated:

**H.B. 30**, To Committee on Jurisprudence.

**H.B. 507**, To Committee on Criminal Justice.

**H.B. 549**, To Committee on Education.

**H.B. 570**, To Committee on Jurisprudence.

**H.B. 648**, To Committee on Intergovernmental Relations.

**H.B. 709**, To Committee on Finance.

**H.B. 758**, To Committee on Intergovernmental Relations.

**H.B. 1923**, To Committee on State Affairs.

**CONCLUSION OF SESSION FOR LOCAL AND  
UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Sims in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 8:30 a.m. adjourned until 11:00 a.m. today.